

Notice of Allowability

Application No.

09/692,957

Examiner

Tuan V. Thai

Applicant(s)

ARCHIBALD ET AL.

Art Unit

2186

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6/15/2005.
2. ☒ The allowed claim(s) is/are 11, 13-15 and 17-19 renumbered as 1-7 respectively.
3. ☒ The drawings filed on 20 October 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


TUAN V. THAI
PRIMARY EXAMINER

Art Unit: 2186

Attorney's Docket No.: IBMS.002PA/SJO920000056US1

**IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE**

In re application of: Archibald et al. Group: 2186
Serial No.: 09/692,957 Examiner: Tuan Thai
For: **METHOD AND APPARATUS FOR USING EXTENDED DISK SECTOR
FORMATTING TO ASSIST IN BACKUP AND HIERARCHICAL STORAGE
MANAGEMENT.**

1. This action is responsive to amendment filed June 15, 2005.
Claims 11, 13-15 and 17-19 are now allowed. Claims 1-10, 12 and 16 have been canceled.

REASONS FOR ALLOWANCE

2. The following is an Examiner's Statement of Reasons for Allowance:

The prior art of record does not teach or suggest, alone or in combination, **all** the limitations of the amended claims of the current invention (claim 11) wherein a method for providing extended disk sector formatting to assist in backup and hierarchical storage management; particularly, the prior arts of record do not teach a part of an extended sector format is used

Art Unit: 2186

to include a field for indicating whether data was written since the last backup, the backup field is used to indicate age since last backup, specifically the backup indicator field indicates whether the user data in the user data sector field has been written to backup storage subsequent to a previous backup operation and wherein the first set of storage volumes is arranged as a virtual space wherein the host views the configuration as being a storage device having a first predetermined size and the controller allocates storage space from the first set of storage volumes having a physically smaller size than viewed by the host. In light of the foregoing, claim 11 of the present application are found to be patentable over the prior arts.

Claims 13-15 and 17-19 further limit the indicated allowable independent claims 11. These claims are therefore allowable for the same reason as set forth above.

Any comments considered necessary by Applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

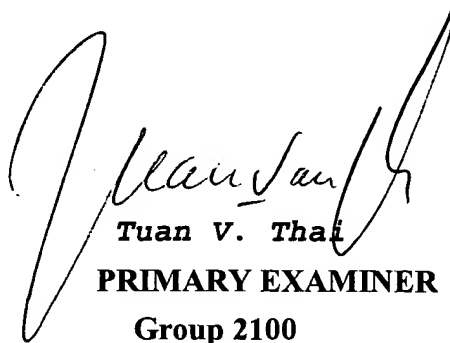
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan V.

Art Unit: 2186

Thai whose telephone number is (571)-272-4187. The examiner can normally be reached on from 6:30 A.M. to 4:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mathew M. Kim can be reached on (571)-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT/June 21, 2005


Tuan V. Thai
PRIMARY EXAMINER
Group 2100